

Message Text

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PAGE 01 OTTAWA 02970 132137Z
ACTION EUR-12

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C O N F I D E N T I A L OTTAWA 02970

E.O. 11652: GDS
TAGS: PGOV, PINT, CA
SUBJECT: CONSTITUTIONAL PACKAGE: EARLY CLARIFICATION AND
REACTION

REF: OTTAWA 2943

1. COMMENT ON TRUDEAU GOVERNMENT'S CONSTITUTIONAL PACKAGE HAS BEEN TENTATIVE AND RATHER RESTRAINED, PRESUMABLY DUE TO NON-SPECIFIC NATURE OF WHITE PAPER PROPOSALS. ELABORATION BY PM TRUDEAU AT JUNE 12 PRESS CONFERENCE, BY FEDERAL-PROVINCIAL RELATIONS MIN MARC LALONDE IN BRIEFING PRESS, AND THROUGH GIVE-AND-TAKE IN COMMONS DEBATE HAS FAILED TO PROVIDE MANY ANSWERS. AT PRESS CONFERENCE, FOR EXAMPLE, TRUDEAU TIME AND AGAIN NOTED THAT SPECIFIC ANSWERS TO MANY QUESTIONS WILL COME ONLY WHEN LEGISLATION UNDER PHASE ONE (REFTEL) IS INTRODUCED IN PARLIAMENT. IN ANSWER TO A PROBING QUESTION, HE REPLIED THAT "THE WHITE PAPER THAT I TABLED DEALS WITH GENERAL PRINCIPLES AND DOES NOT SET FORTH DETAILED PROPOSALS; THESE DETAILED PROPOSALS, AS YOU KNOW, WILL BE PRESENTED TO THE HOUSE OF COMMONS IN THE FORM OF A BILL BEFORE THE END OF THE MONTH AND THEN ONE WILL BE ABLE TO REPLY MORE PRECISELY TO YOUR QUESTION."

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PAGE 02 OTTAWA 02970 132137Z

2. THERE HAS BEEN, HOWEVER, SOME CLARIFICATION. AT TRUDEAU PRESS CONFERENCE, REPORTERS QUICKLY FOCUSED ON GOVERNMENT'S PROPOSED BILL OF RIGHTS, INCLUDING MINORITY LINGUISTIC RIGHTS. IN ANSWER TO POINTED QUESTIONS, TRUDEAU NOTED THAT, IF BILL OF RIGHTS IS PASSED BY FEDERAL PARLIAMENT AS AMENDMENT TO CONSTITUTION, PROVINCES WILL NOT BE BOUND BY IT UNLESS THEY "OPT IN." HE ALSO SAID

THAT A PROVINCE WILL NOT BE PERMITTED TO "OPT IN" TO ONLY PARTS OF THE BILL OF RIGHTS. AS HE PUT IT, "IT MUST BE ACCEPTED IN ITS ENTIRETY OR NOT AT ALL." EMBASSY COMMENT: THRUST OF QUESTIONS WAS CLEARLY DIRECTED TOWARDS QUEBEC SITUATION WHERE PARTI QUEBECOIS (PQ) GOVERNMENT MAY HAVE DIFFICULTY SWALLOWING THE WHOLE THING AND PARTICULARLY THAT PART DEALING WITH MINORITY LANGUAGE RIGHTS. END EMBASSY COMMENT.

3. WHITE PAPER INDICATES FEDERAL GOVERNMENT'S RESOLVE TO ACHIEVE PATRIATION OF BRITISH NORTH AMERICA (BNA) ACT, THE CANADIAN CONSTITUTION, AND AN AMENDING FORMULA FOR THE CONSTITUTION. ALTHOUGH TRUDEAU COMMENTS AT PRESS CONFERENCE WERE VAGUE AND UNCLEAR ON THIS ELEMENT OF PACKAGE, HE INDICATED THAT GOVERNMENT WOULD ADDRESS PATRIATION AND AMENDMENT FORMULA AS PART OF PHASE TWO, I.E., THROUGH FEDERAL-PROVINCIAL NEGOTIATIONS, EVEN THOUGH FEDERAL GOVERNMENT, ACCORDING TO TRUDEAU, HAS POWER TO PROCEED THROUGH FEDERAL LEGISLATION ALONE.

4. OPPOSITION PARTIES WERE PREDICTABLY CRITICAL OF GOVERNMENT'S METHODS IN ACHIEVING CONSTITUTIONAL REFORM. PROGRESSIVE CONSERVATIVE (PC) LEADER JOE CLARK, CITING THE "PATERNALISTIC TONE OF THIS PROPOSAL," CRITICIZED THE HEAVY-HANDED WAY IN WHICH GOVERNMENT WAS PREPARED TO GO IT ALONE, IF NECESSARY, WITH PHASE ONE PROPOSALS. NEW DEMOCRATIC PARTY (NDP) LEADER ED BROADBENT CLAIMED THAT GOVERNMENT PROPOSALS DO NOT GO FAR ENOUGH SINCE THEY DO

CONFIDENTIAL

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PAGE 03 OTTAWA 02970 132137Z

NOT TACKLE ECONOMIC INEQUALITIES WITHIN COUNTRY.

5. PERHAPS BECAUSE OF JUNE 9 LEAK AND EXTENSIVE MEDIA PLAY BEFORE JUNE 12 OFFICIAL UNVEILING, MEDIA ATTENTION FELL OFF SHARPLY FROM HEAVY COVERAGE DURING AFTERNOON AND EVENING OF JUNE 12 TO NOTICEABLY LITTLE FOLLOWING MORNING. JUNE 12 CBC MORNING NEWS, FOR EXAMPLE, DID NOT COVER THE STORY AND THAT MORNING'S GLOBE AND MAIL HAD NO MENTION OF IT ON FRONT PAGE. MOST PROMINENT COVERAGE WAS IN JUNE 13 LE DEVOIR WHICH CARRIED ENTIRE TEXT OF WHITE PAPER, A FRONT-PAGE ARTICLE WITH SOME COMMENTARY, AND AN EDITORIAL. EDITORIAL WAS CRITICAL OF APPARENTLY RIGID TIMETABLES SET FORTH BY TRUDEAU GOVERNMENT, NOTED THE UNMISTAKEABLE MARK OF TRADITIONAL TRUDEAU PHILOSOPHY IN THE GOVERNMENT'S WHITE PAPER, AND CITED DIFFICULTIES FEDERAL GOVERNMENT WILL HAVE IN DRAWING PRESENT QUEBEC GOVERNMENT INTO WORTH WHILE NEGOTIATIONS. IT DID NOT, HOWEVER, DISMISS IMPORTANCE OF PROPOSALS AS A FIRM STATEMENT OF FEDERAL GOVERNMENT PLANS. IT CHARACTERIZES THE WHITE PAPER AS "AN EXTREMELY IMPORTANT ACTION WHOSE HISTORIC SIGNIFICANCE SHOULD NOT BE UNDER-ESTIMATED."

6. COMMENT: GENERAL TONE HERE SEEMS TO BE ONE OF WAIT AND SEE. INTRODUCTION OF LEGISLATION IN PARLIAMENT BY END

OF MONTH AND START OF FEDERAL-PROVINCIAL DISCUSSIONS NEXT
FALL SHOULD GIVE COMMENTATORS A FIRMER GRASP OF EXACTLY
WHAT GOVERNMENT HAS IN MIND AND HOW PROVINCES WILL REACT.
DUEMLING

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